

Application No.: 10/538,407
Amendment under 37 CFR 1.111
Reply to Office Action dated April 2, 2007
August 2, 2007

REMARKS

By this amendment, claims 1-2 and 22-23 have been cancelled, and claims 4-6, 8-9, 11-12 have been amended and new claims 24-26 have been added to the application. Currently, claims 3-21 and 24-26 are pending in the application.

Claim 11 was rejected under 35 USC 112, second paragraph, as being indefinite. The Examiner stated that the word "the" in the third line of claim 11, is repeated two times, which is redundant and makes the claim unclear and indefinite.

By this amendment, claim 11 has been amended to remove "the" (second occurrence). Therefore, it is respectfully submitted that this rejection has been overcome and should be withdrawn.

Claims 1-2 and 22-23 were rejected under 35 USC 103(a) as being obvious over Dwilinski et al. (U.S. Patent No. 7,132,730) in view of Anselm et al. (U.S. Patent No. 6,265,322). By this amendment, claims 1-2 and 22-23 have been cancelled and it is respectfully submitted that this rejection is now moot.

Claims 3-7, 9 and 11 were rejected under 35 USC 103(a) as being obvious over Dwilinski et al. (U.S. Patent Application Publication No. 2004/0238810) in view of Anselm et al.

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Claim 8 was rejected under 35 USC 103(a) as being obvious over Dwilinski et al. ('810) in view of Anselm et al. as applied to claims 3-7, 9 and 11 and further in view of Hong et al. (U.S. Patent No. 6,177,292).

Claim 10 was rejected under 35 USC 103(a) as being obvious over Dwilinski et al. ('810) in view of Anselm et al. as applied to claims 3-7, 9 and 11 and further in view of Tsutsui et al. (U.S. Patent No. 6,248,607).

Claims 12-13 were rejected under 35 USC 103(a) as being obvious over Dwilinski et al. ('810) in view of Anselm et al. as applied to claims 3-7, 9 and 11 and further in view of Otsuka et al. (U.S. Patent No. 6,749,819).

These rejections are respectfully traversed in view of the amendments to the claims and the following remarks.

Dwilinski et al. (U.S. Patent Application Publication No. 2004/0238810) is not prior art to this application. This reference was based on an invention that first filed in Poland and was subsequently filed in Japan as a PCT application. The PCT application published in the Japanese language and therefore the U.S. Patent Application Publication does not meet the criteria for using the PCT filing date as the reference date since the PCT application was not published in English.


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Accordingly, the rejections based on Dwilinski et al. (U.S. Patent Application Publication No. 2004/0238810) should be withdrawn. If the Examiner believes that applicants are incorrect regarding the applicability of this reference, the Examiner is respectfully requested to describe in detail how the Examiner believes that this reference can be considered prior art to this application.

If there are any questions or concerns regarding this amendment or the remarks, the Examiner is requested to telephone the undersigned at the telephone number listed below.

Respectfully submitted

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Randolph A. Smith
Reg. No. 32,548

SMITH PATENT OFFICE
1901 Pennsylvania Ave., N.W.,
Suite 901
Washington, DC 20006-3433
Telephone: 202/530-5900
Facsimile: 202/530-5902
Dwilinski080207